AMENDMENTS TO THE DRAWING

Please substitute the enclosed three sheets of drawing for those filed originally. The drawing is substantively the same as to that filed originally with International Patent Application No. PCT/DE 2004/001276 and adds no new matter. The line work in the new drawing is considered to be uniform and the identifier numerals are clear. Early approval of the new drawing is solicited.

REMARKS

A new drawing (3 sheets) is submitted in place of the informal drawing filed originally. The objections previously made by the Examiner have been obviated. No new matter has been added. Early approval of the new drawing is solicited.

Claims 1, 2, and 12-15 have been amended to overcome objections noted by the Examiner in the first Office Action. Claim 1 now specifies that the pads (2,3,4) are made of fabric and are constructed and arranged to optimally adapt to the load profile of the foot. Claim 2, as amended, recites that the fabric of the pad (4) is dissimilar in structure to the fabric of the other pads. Claims 12-15 have been amended to recite that "at least one side climate conduit (7) is provided that leads into at least one of the intermediate spaces (6) on the treading area (1) created between the separate pads (2 through 5)". With reference to the drawing, it is seen that the conduit 7 extends to the treading area 1. Because of the width of the conduit 7 it extends into the area of pad 4 and the area between pads 2 and 3. Therefore, it is seen that climate conduit 7 leads into the intermediate spaces created between the pads 2,3 and the pads 3,4. Applicant submits that the claims as amended are clear and definite.

Claims 1, 2, 3, 9, and 12 were previously rejected as being anticipated by Petrey. Petrey pertains to a sock made of a stretchable fabric that fits tight on the foot. As taught in Petrey, the lower leg portion of the sock may be as low as the ankle or as high as the knee. A plurality of pads 30, 32, 34,and 36 are disposed on the bottom portion of the sock at key locations where the foot contacts the ground. The pads are secured to the sock by an adhesive 20 such as hot melt

glue. The pads are made of any gripping or non-skid type of material such as ground rubber particles. Alternately, Petrey suggests the hot melt glue could be allowed to dry and harden without applying the ground rubber particles to it. Therefore, the hot melt glue would form the gripping pads. (See col. 2, line 61 to col. 3, line 6).

The sock of Petrey is constructed such that there are individual stalls or compartments 12 for each toe (Fig. 2) or an individual stall or compartment for the big toe and a separate compartment for the rest of the toes (Fig.3).

Petrey suggests that spikes can be incorporated on the bottom of the sock in a variety of ways. The ground rubber particles 30 may be built up on the hot melt glue 20 such that the ground rubber particles form a spike-shaped element. Alternately, the hot melt glue itself 20 may be built up to form a spike-shaped element. Further, a metal or nylon spike may be applied to the hot melt glue 20 before it hardens, and an additional coat of hot melt glue applied over the metal or nylon spikes 40. Also, the metal or nylon spike 40 may be embedded within the stretchable material 18.

Comparing the sock of Petrey to that claimed by applicant, it is seen that they are directed to different problems. Petrey intends to provide the wearer with the gripping and control of a bare foot, while at the same time providing some protection as if wearing a shoe. Petrey's sock would prevent the foot from sliding within the garment which would result in discomfort and a number of foot ills, such as blisters and chafing. A particular application for Petrey is track and field events, particularly running. For example, a runner usually likes to carry as little weight as possible to run faster but not be inconvenienced or discomforted by the savings in weight. When

a runner wears track shoes he must work against the force of the weight of the shoe and he must overcome the gripping force of the spikes or sole of the shoe on the track surface. Additionally the foot within the shoe tends to slide back and forth therefore causing, without proper protection, a number of foot ills such as blisters and chafing. If a runner does not wear shoes and runs bare foot he has less weight and less frictional forces to overcome and gains more control, but loses the protection of wearing a shoe. Petrey claims to provide the benefits of running bare foot and at the same time provides the protection of wearing a shoe. (See col. 2, lines 28-53).

There is clearly no teaching in Petrey of the use of dampening material in critical areas of the sock that takes into account the specific load profile of the treading area of the foot. While Petrey mentions in col. 3, lines 57,58 that a soft pad or arch support may be placed within the sock for comfort, there is no indication where or how it will be placed. This statement in Petrey cannot be construed to be a teaching of the applicant's invention. The present invention relates to improvements in comfort by wearing socks in a shoe that are constructed and arranged to accommodate the fat pads of the user's foot. The applicant's sock has pads (2,3,4) in the inner and outer areas of the balls of the foot, in the area of the heel, as well as the outer instep. Further, as recited in claim 1, the sock has intermediate spaces (6) between the pads (2,3,4) and the pads are made of fabric and are constructed and arranged to optimally accommodate the load profile of the foot. Petrey's teachings are in an entirely different direction. He teaches the use of rigid metal or nylon spikes. Such embodiment would provide no dampening characteristics as desired by the present invention. The embodiment of Petrey where the pads are made of ground rubber secured to the sock by an adhesive, such as hot melt glue, is not at all suggestive of the present

invention, wherein the pads are made of fabric. Applicant's socks can be knitted together with the pad, whereby no additional manufacturing steps are needed to secure the pads to the fabric of the sock. Claims 1, 2, 3, 9, and 12 are not anticipated by Petrey and should be allowed.

Claims 4-8, 10, 11 and 13-15 were rejected as being unpatentable over Petrey. These claims are considered to be patentable over Petrey for the reason urged above as to claims 1, 2, 3, 9, and 12, particularly claim 1, upon which claims 4-8, 10, 11, and 13-15 are based.

Claims 16-22 are considered to be patentable over Petrey for the reasons stated above. Further, independent claim 16 recites that there is at least one side climate conduit (7) that leads in at least on intermediate space (6) on the treading area (1) created between the separate pads (2 through 5). While there may be spaces between the pads 32, 34, 36 of Petrey, there is no suggestion of a climate conduit. In the present invention the climate conduit is not formed by the intermediate spaces, but is an additional component of the sock that is arranged at the side of the sock. It extends from the band to the treading area of the sock. Because of its width, the climate conduit extends into the area of the pad 4 and the area between pads 2 and 3 (see Fig.1). This benefits the continuous removal of perspiration from the bottom of the foot. This advantage cannot be obtained by Petrey. Claims 16-22 are neither anticipated or suggested by Petrey. The allowance of these claims is urged.

A check in the amount of $50.00 is enclosed to cover the cost of the two additional dependent claims. The Commissioner of Patents is hereby authorized to charge any additional filing fees which may be required, or credit any overpayment to Deposit Account No. 15-0508.

Favorable reconsideration and allowance of the present application are solicited.

Respectfully submitted,

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By: _____

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CERTIFICATE OF MAILING

I hereby certify that this **AMENDMENT** is being deposited with the United States Postal Service with sufficient postage prepaid as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA,, 22313-1450 this 7th day of November 2007.

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Dennis H. Ma, Reg. No. 46,890